

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 10-20403

v.

HON. NANCY G. EDMUNDS

D-1 KWAME M. KILPATRICK,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, a Fourth Superseding Indictment was issued on February 15, 2012, which charged Defendant Kwame M. Kilpatrick (“Defendant Kilpatrick”) with numerous violations of law, including, but not limited to, violations of 18 U.S.C. § 1962(d) (RICO conspiracy) and 18 U.S.C. § 1951 (extortion). (*Dkt. # 74*).

WHEREAS, the Fourth Superseding Indictment contained Criminal Forfeiture Allegations providing notice to Defendant Kilpatrick that upon conviction the United States intended to seek, among other things, a forfeiture money judgment, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 1963(a)(1)-(3), and 28 U.S.C. § 2461(c).

WHEREAS on March 11, 2013, after a lengthy trial, Defendant Kilpatrick was found guilty by a jury of numerous violations, including, but not limited to,

Counts One (18 U.S.C. § 1962(d) - RICO conspiracy), Two through Five (18 U.S.C. § 1951 - extortion), and Nine (18 U.S.C. § 1951 - extortion) of the Fourth Superseding Indictment.

WHEREAS, the government seeks a forfeiture money judgment against Defendant Kilpatrick.

NOW, THEREFORE, pursuant to Fed. R. Crim. P. 32.2, based upon the Fourth Superseding Indictment, the finding by the jury that Defendant Kilpatrick is guilty of Counts One (18 U.S.C. § 1962(d) - RICO conspiracy), Two through Five (18 U.S.C. § 1951 - extortion), and Nine (18 U.S.C. § 1951 - extortion) of the Fourth Superseding Indictment, and other information in the record:

IT IS HEREBY ORDERED AND ADJUDGED that a money judgment in an amount to be determined by the Court is granted and entered against Defendant Kilpatrick in favor of the United States of America on Counts One (18 U.S.C. § 1962(d) - RICO conspiracy), Two through Five (18 U.S.C. § 1951 - extortion), and Nine (18 U.S.C. § 1951 - extortion) of the Fourth Superseding Indictment.

IT IS FURTHER ORDERED that this Preliminary Order of Forfeiture will be amended under Fed. R. Crim. P. 32.2(e)(1) when the amount of the money judgment has been determined by the Court.

IT IS FURTHER ORDERED that the money judgment may be satisfied, to whatever extent possible, from any property owned or under the control of Defendant Kilpatrick.

IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 32.2, once this Preliminary Order of Forfeiture is amended under Rule 32.2(e)(1), when the amount of the money judgment has been determined by the Court, it shall become the Final Order of Forfeiture and shall be made part of the sentence and included in the Judgment, and shall not be the subject of ancillary proceedings given that the forfeiture consists entirely of a money judgment.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce the Preliminary Order of Forfeiture and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

Dated: October 10, 2013

s/Nancy G. Edmunds
HONORABLE NANCY G. EDMUNDS
United States District Court Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 10, 2013October 10, 2013, by electronic and/or ordinary mail.

S/Johnetta M. Curry-Williams
Case Manager
Acting in the Absence of Carol A. Hemeyer